

REMARKS

In response to the Examiner's Requirement for Election, Applicants hereby elect, with traverse, the Invention of Group I, Claims 48-67 and 70-84, directed to a cosmetic/pharmaceutical comprising an admixture of vitamin A, vitamin C, vitamin E, zinc and selenium in the form of sodium selenite, selenocysteine or selenoyeast.

Reconsideration of the Requirement for Restriction is respectfully requested in light of the following remarks.

For proper restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required.

The Requirement for Restriction should be withdrawn because it is believed that search and examination of the Inventions of Groups I and II would be substantially coextensive. In particular, it is believed that there would be substantial overlap in the search and examination of the Inventions of Groups I and II. Specifically, it is believed that a search directed to a cosmetic/pharmaceutical comprising an admixture of vitamin A, vitamin C, vitamin E, zinc and selenium in the form of sodium selenite, selenocysteine or selenoyeast would likely uncover references that also disclose the use of such an admixture in a regime or regimen for promoting hair growth and/or retarding hair loss, for increasing the mean diameter of strands of hair and/or decreasing the heterogeneity thereof, and/or for increasing hair density, and/or for improving the quality and/or appearance of a head of hair, and/or for inducing repigmentation of the hair.

Accordingly, Applicants believe that an undue burden would not be placed on the Examiner by including each of the Inventions within a single application.

Furthermore, withdrawal of the Restriction Requirement is proper to expedite prosecution of the application. That is, where product and process claims are presented in the same application, Applicants may be called upon to elect claims to either the product or process. M.P.E.P. § 821.04 provides that where an Applicant elects claims directed to a product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise include all the elements of the allowable product claims will be rejoined. Because process Claims 68 and 69 include all of the elements of elected product Claims 48 and 58, process Claims 68 and 69 must be rejoined with the product claims once the product claims are found to be allowable. Thus, in addition to the above reasons, Applicants request withdrawal of the Restriction Requirement to permit concurrent examination of both the product and process claims.

Accordingly, for at least all of the reasons set forth above, Applicants respectfully request withdrawal of the Requirement for Restriction.

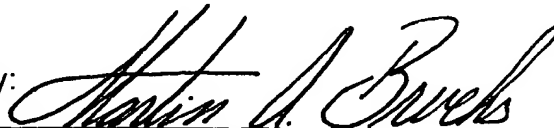
If there are any questions concerning this paper, or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

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By:



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